

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

STATE OF MISSOURI, ex rel.)	
Chris Koster, and the)	
MISSOURI DEPARTMENT)	
OF NATURAL RESOURCES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
UNITED STATES ARMY CORPS)	
OF ENGINEERS,)	
MAJOR GENERAL MICHAEL J. WALSH,)	
COLONEL VERNIE L. REICHLING JR.)	
)	
Defendants.)	

Affidavit of Paul D. Parmenter

I, Paul D. Parmenter after being duly sworn, do hereby state that the following is based upon my personal knowledge and is true and accurate to the best of my recollection:

1. My name is Paul D. Parmenter, and I am the Director of the State Emergency Management Agency ("SEMA") for the Missouri Department of Public Safety. In that capacity, I coordinate with other state agencies on state legislation relating to emergency preparedness, earthquake issues and floodplain management. I am responsible for the day-to-day operations of SEMA, which is housed in the Missouri Department of Public Safety under the Missouri Adjutant General's Office.
2. Since the flooding began in Southeast Missouri, I have been conducting SEMA's emergency preparedness and disaster relief response effort.
3. I have had several opportunities to review the "Birds Point – New Madrid Floodway Operations Plan" ("Birds Point Plan") and am familiar with it.

4. The Birds Point Plan calls for blowing up a portion of the Front Line Levee, which is located near Cairo, Illinois, so that flood waters can be directed into more than 130,000 acres of Missouri land when certain conditions are met.

5. According to the Birds Point Plan, the New Madrid Floodway “normally” will not be placed in operation until flood heights in excess of 60 feet on the Cairo gage are predicted.

6. The Birds Point Plan gives broad discretion to the president of the Mississippi River Commission (“MRC”). The president of the MRC, alone, will decide whether to intentionally breach the Front Line Levee when “absolutely essential” to provide authorized protection to all citizens.

7. As of April 26, 2011, the flood height was approximately 56 feet on the Cairo gage.

8. The National Weather Service predicts that the Mississippi River will crest, or peak, at a flood height of 61 feet on May 3, 2011.

9. The National Weather Service is basing its prediction, in part, on information controlled by the United States Army Corps of Engineers.

10. The United States Army Corps of Engineers controls the Barkley Dam, which is located upriver from the Front Line Levee. The Barkley Dam prevents water in the Kentucky River from flowing into the Ohio River. The Ohio River flows into the Mississippi at the confluence at Cairo, Illinois.

11. The United States Army Corps of Engineers has been releasing water from the Barkley Dam into the Ohio River, which has then flowed into the Mississippi River, causing the flood height to go up.

12. If the United States Army Corps of Engineers stops releasing water from the Barkley Dam, the flood height level at the Cairo gage may go down.

13. I believe the United States Army Corps of Engineers has failed to demonstrate that it is "absolutely essential" to intentionally breach the Front Line Levee.

14. I believe the United States Army Corps of Engineers has also failed to demonstrate that the Front Line Levee is in danger of overtopping, as the United States Army Corps of Engineers has not taken action to prevent the flow of water from the Barkley Dam into the confluence at Cairo, Illinois.

15. I believe the United States Army Corps of Engineers has failed to demonstrate that the integrity of the levee systems protecting communities in the New Madrid Floodway will be compromised if the Front Line Levee is not intentionally breached.

FURTHER AFFIANT SAYETH NOT:

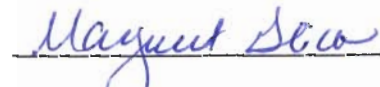


Paul D. Parmenter

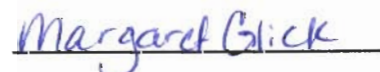
Director, State Emergency Management Agency
Missouri Department of Public Safety

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

Subscribed and sworn before me on this 26th day of April, 2011.



Notary Public



Printed Name